

REMARKS

Claims 2, 3, 13, 14, 32, 33, 43, 44 and 75-84 have been canceled. Claim 1 has been amended to incorporate the limitations of claim 3. Claim 31 has been amended to incorporate the limitations of claim 33. The claim have also been amended consistent with the Applicants' response to the Restriction Requirement mailed August 29, 2005. Various claims and the specification have been amended to correct typographical errors.

Rejections Under 35 U.S.C. §102(b)

Wagner et al.

The Examiner rejected claims 1, 2, 13-16, 18-21, 25, 31, 32, 43-46, 48-51 and 55 as anticipated by Wagner et al. (U.S. Patent No. 4,251,255).

The Examiner argued that Wagner et al. discloses applying an azulmic acid-based nutrient to plants and that ricinoleic acid is suggested as a counterion for the azulmic acid-based nutrient.

Claim 1 has been amended to incorporate the limitations of claim 3, which has been canceled. Claim 31 has been amended to incorporate the limitations of claims 33, which has been canceled. Claims 2, 3, 13, 14, 32, 33, 43 and 44 have been canceled. Claims 21 and 51 have been amended to remove acids and salts of the recited compounds.

Wagner et al. does not teach or suggest the compounds of the present claims. Wagner et al. certainly does not suggest that the compounds that are disclosed in Wagner et al. have nematocidal activity. In view of the forgoing, Applicants respectfully request that the rejections under 35 U.S.C. §102(b) in view of Wagner et al. be withdrawn.

Schmitt et al.

The Examiner rejected claims 1, 2, 9-16, 18-21, 23 and 25-26 as anticipated by Schmitt et al. (U.S. Patent No. 5,389,300).

The Examiner argued that Schmitt et al. discloses a composition for treating plant material comprising sodium ricinoleate, water, butanol and a surfactant.

Claim 1 has been amended to incorporate the limitations of claim 3, which has been canceled. Claim 31 has been amended to incorporate the limitations of claims 33, which has been canceled. Claims 2, 3, 13, 14, 32, 33, 43 and 44 have been canceled. Claims 21 and 51 have been amended to remove acids and salts of the recited compounds.

Schmitt et al. does not teach or suggest the compounds of the present claims and certainly makes not suggestion that the compounds that are disclosed in Schmitt et al. have nematicidal activity. In view of the forgoing, Applicants respectfully request that these rejections under 35 U.S.C. §102(b) be withdrawn.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 22 and 27-30 as obvious in view of Schmitt et al. (U.S. Patent No. 5,389,300) taken with Farm Chemicals Handbook '98.

According to the Examiner, various compounds disclosed in Farm Chemicals Handbook '98 could be substituted for the emulsifiers, surfactants, and pesticides disclosed by Schmitt et al.

Claim 1 has been amended to incorporate the limitations of claim 3, which has been canceled. Claim 31 has been amended to incorporate the limitations of claims 33, which has been canceled. Claims 2, 3, 13, 14, 32, 33, 43 and 44 have been canceled. Claims 21 and 51 have been amended to remove acids and salts of the recited compounds. Schmitt et al. is discussed above. Modification of the compositions of Schmitt et al. by adding or substituting the of the emulsifiers, surfactants, and pesticides disclosed by Farm Chemicals Handbook '98 would not yield the presently claimed compositions or suggest the presently claimed methods.

In view of the forgoing, Applicants respectfully request that these rejections under 35 U.S.C. §103 be withdrawn.

Applicant : Deryck J. Williams et al.
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Double Patenting

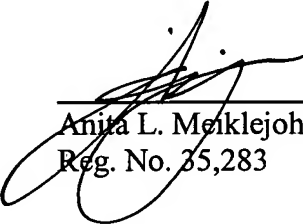
The Examiner 1, 3-12, 15-31, 33-42 and 45-74 on the grounds of obviousness-type double patenting as being unpatentable over claims 1-47 of U.S. Patent No. 6,887,900 and over claims 1-21, 24-55 and 61-65 of U.S. 6,903, 052.

Upon notification that there are allowable claims in this application, Applicants will submit an appropriate terminal disclaimer.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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